

## TITLE 327 WATER POLLUTION CONTROL BOARD

### IDEM'S SUGGESTED CHANGES TO PROPOSED RULE AMENDING 327 IAC 15 CONCERNING STORM WATER RUN-OFF ASSOCIATED WITH CONSTRUCTION ACTIVITY AND STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY LSA Document #01-95

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a) (2)) and incorporated into the printed version (LSA Document #01-95, published February 1, 2003, 26 IR 1604) have been made in the version of the rule presented to the board for final adoption.

1. Page 6  
327 IAC 15-3-3(b)  
Delete “**327 IAC 15-2-9(a)(3)**” after “or is established in”  
Insert “**327 IAC 15-2-9(a)**” after “or is established in”
2. Page 7  
327 IAC 15-5-2(d)  
Delete “**It will be the responsibility of**” before “**the project site owner**”  
Delete “**to**” after “**the project site owner**”  
Insert “**has the following responsibilities:**” after “**the project site owner**”  
Insert “**(1)**” before “**complete a sufficient notice**”  
Delete “**and**” after “**sufficient notice of intent letter**”  
Insert “**(2)**” before “**ensure that a sufficient construction plan**”  
Delete “**It will be the responsibility of the project site owner to**” after “**with section 6 of this rule.**”  
Insert “**(3)**” before “**ensure compliance with this rule**”  
Insert colon “**:**” after “**compliance with this rule during**”  
Insert “**(A)**” before “**the construction activity**”  
Insert semicolon “**;**” after “**the construction activity**”  
Insert “**(B)**” before “**implementation of the construction plan**”  
Delete “**, and to**” after “**implementation of the construction plan**”  
Insert “**(4)**” before “**notify the department with a sufficient**”  
Delete “**However,**” after “**a sufficient notice of termination letter.**”  
Insert “**(5) Ensure that**” before “**all persons engaging in**”  
Delete “**must**” after “**on a permitted project site**”  
Insert “**applicable**” after “**comply with the**”  
Insert “**and the approved construction plan.**” after “**requirements of this rule**”
3. Page 7  
327 IAC 15-5-2(f)  
Insert “**where land disturbance is expected to be one (1) acre or more and the lot lies**” after “**For an individual lot**”  
Delete “**and where land disturbance is expected to be one (1) acre or more,**” after “**within a project site permitted under this rule**”  
Delete “**must**” after “**the individual lot owner**”  
Insert “**shall:**” after “**the individual lot owner**”  
Insert “**(1)**” before “**complete**”  
Delete “**their**” after “**complete**”  
Insert “**his or her**” after “**complete**”  
Delete “**, apply for a permit under this rule,**” after “**own notice of intent letter**”  
Insert semicolon “**;**” after “**own notice of intent letter**”  
Insert “**(2)**” before “**ensure that a sufficient construction plan**”
4. Page 7  
327 IAC 15-5-2(g)  
Insert “**For**” after “**(g)**”  
Insert “**where the land disturbance is less than one (1) acre and the lot lies**” after “**an individual lot**”  
Delete “**permitted**” after “**within a**”

Delete “, where the land disturbance is less than one (1) acre, is considered part of the permitted project site, and” after “within a project site”  
 Insert “permitted under this rule,” after “within a project site”  
 Delete “must” after “the individual lot operator”  
 Insert colon “shall be in accordance with the following:” after “the individual lot operator”  
 Insert “(1)” before “comply with”  
 Insert colon “:” after “comply with”  
 Insert “(A)” before “the provisions and requirements of the plan”  
 Insert semicolon “;” after “developed by the project site owner”  
 Insert “(B)” before “section 7.5 of this rule.”  
 Delete “Submittal of” after “section 7.5 of this rule”  
 Insert “(2) does not need to submit” after “section 7.5 of this rule”  
 Insert “letter” after “a notice of intent”  
 Delete “is not required for an individual lot within a permitted project site that has less than one (1) acre of land disturbance. Strip developments will be considered as one (1) project site and must comply with this rule unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.” after “and construction plans”

5. Page 8 327 IAC 15-5-2(h)  
Delete “To determine if” after “(h)”  
Delete comma “,” after “are regulated by this rule”  
Insert “in accordance with the following: (1) A determination of” after “are regulated by this rule”
6. Page 8 327 IAC 15-5-2(h)(1)  
Reletter subdivision (1) as clause (A)
7. Page 8 327 IAC 15-5-2(h)(2)  
Reletter subdivision (2) as clause (B)
8. Page 8 327 IAC 15-5-2(h)(3)  
Reletter subdivision (3) as clause (C)  
Delete “Projects” after “on all other types of”  
Insert “Project” after “on all other types of”  
Insert “the following apply: (i) Where lots are one (1) acre or greater in size,” after “industrial and commercial project sites,”  
Delete “used” after “land disturbance must be”  
Insert “calculated” after “land disturbance must be”  
Delete “, unless” after “as the expected lot disturbance”  
Insert “(ii) Where” after “as the expected lot disturbance”  
Delete “in which case” after “are less than one (1) acre in size,”  
Insert an additional subdivision to read as follows: “(2) For purposes of this rule, strip developments:  
    (A) are considered as one (1) project site; and  
    (B) must comply with this rule;  
    unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.”
9. Page 8 327 IAC 15-5-2(i)  
Delete “7(a)(1)” after “Provisions in section”  
Insert “7(b)(1)” after “Provisions in section”  
Delete “7(a)(5) and 7(a)(10)” after “through”  
Insert “7(b)(5), 7(b)(10)” after “through”  
Delete “7(a)(19) before “of this rule”

- Insert **“7(b)(17), 7(b)(19), and 7(b)(20)”** before **“of this rule”**
10. Page 8 327 IAC 15-5-2(j)  
Delete **“, determined by the commissioner,”** after **“where the waiver applicant”**
11. Page 8 327 IAC 15-5-2(j)(2)  
Delete **“a site discharging to nonimpaired”** before **“waters that”**  
Insert **“in receiving”** before **“waters that”**  
Delete **“does”** after **“waters that”**  
Insert **“do”** after **“waters that”**  
Delete **“TMDLs by”** after **“not require”**  
Insert **“a TMDL study,”** after **“not require”**  
Delete **“that”** after **“an equivalent analysis”**  
Insert **“, and it”** after **“by storm water discharges”**  
Insert **“been”** after **“has”**  
Insert **“that”** after **“determined”**  
Delete **“for small construction sites”** after **“allocations”**  
Delete **“or determined that such allocations”** after **“for the pollutants of concern”**  
Insert **“from the construction site discharges”** after **“for the pollutants of concern”**
12. Page 9 327 IAC 15-5-4(4)  
Insert **“or road”** after **“include routine ditch”**
13. Page 11 327 IAC 15-5-4(23)  
Delete **“327 IAC 5-4-6(a)(3)”** after **“permit regulated by”**  
Insert **“327 IAC 5-4-6(a)(4)”** after **“permit regulated by”**  
Delete **“327 IAC 5-4-6(a)(4).”** after **“and”**  
Insert **“327 IAC 5-4-6(a)(5).”** after **“and”**
14. Page 13 327 IAC 15-5-5(a)(14)  
Insert **“This requirement may be waived if the project site owner has not received notification from the reviewing agency within the time frame specified in 327 IAC 15-5-6(b)(3).”** after **“plans are sufficient to comply with this rule.”**
15. Page 14 327 IAC 15-5-6(b)(1)  
Delete **“The following information must be submitted: (A)”** before **“A construction plan”**
16. Page 14 327 IAC 15-5-6(b)(1)(A)  
Delete **“, including the storm water pollution prevention plan, which meets the requirements of sections 6.5, 7, and 7.5 of this rule,”** after **“A construction plan”**  
Insert **“(A)”** before **“Prior to the initiation of any land disturbing activities”**  
Insert **“(B) Sent”** before **“to the appropriate SWCD, or other entity”**  
Insert **“(i)”** before **“review and verification that the plan meets”**  
Delete **“. If the construction activity will occur in more than one (1) SWCD, the project site owner may request”** after **“the requirements of the rule”**  
Insert **“; or”** after **“the requirements of the rule”**  
Insert **“(ii)”** before **“a single coordinated review in accordance”**  
Delete **“(c)(3)”** after **“in accordance with subsection”**  
Insert **“(d)(3) if:**  
    **(AA) the construction activity will occur in more than one (1) SWCD; and**  
    **(BB) the project site owner has made a request for a single coordinated review.”** after **“in accordance with subsection”**
17. Page 14 327 IAC 15-5-6(b)(2)  
Insert **“required by subdivision (1)”** after **“If the construction plan”**

18. Page 14      327 IAC 15-5-6(b)(3)  
Delete “**from the reviewing agency**” after “**does not receive notification**”  
Insert “**within twenty-eight (28) days after the plan is received by the reviewing agency stating**” after “**does not receive notification**”  
Insert “**reviewing agency finds the**” after “**that the**”  
Delete “**meets the requirements of the rule within twenty-eight (28) days after the plan is received by the reviewing agency,**” before “**the project site owner may**”  
Insert “**is deficient,**” before “**the project site owner may**”
19. Page 15      327 IAC 15-5-6(b)(4)  
Redesignate subdivision (4) as subsection (c)  
Delete “**an**” after “**construction activity occurs inside**”  
Insert “**a single**” after “**construction activity occurs inside**”
20. Page 15      327 IAC 15-5-6(b)(4)(A)  
Redesignate clause (A) as subdivision (1)
21. Page 15      327 IAC 15-5-6(b)(4)(B)  
Redesignate clause (B) as subdivision (2)  
Insert “**as required by 327 IAC 15-13-15(b) and 327 IAC 15-13-16(b)**” after “**The MS4 operator ordinance**”
22. Page 15      327 IAC 15-5-6(c)  
Reletter subsection (c) as (d)
23. Page 15      327 IAC 15-5-6(c)(1)  
Delete “**this**” “**submit the information required in**”  
Insert “**(c)**” after “**subsection**”
24. Page 15      327 IAC 15-5-6(c)(2)  
Delete “**subsection**” after “**the information required in**”  
Insert “**subsections (a),**” after “**the information required in**”  
Delete “**and this subsection**” after “**(b)**”  
Insert “**(c)**” after “**(b) and**”
25. Page 15      327 IAC 15-5-6.5(a)  
Delete “**and meet the design criteria, standards, and specifications established in the Indiana Storm Water Quality Manual\* or similar guidance documents approved for use by the department. (1)**” after “**specified in section 7 of this rule**”
26. Page 15      327 IAC 15-5-6.5(a)(1)  
Delete “**(1)**” before “**The construction plans must include the following:**”
27. Page 15      327 IAC 15-5-6.5(a)(1)(A)  
Renumber clause (A) as subdivision (1)
28. Page 15      327 IAC 15-5-6.5(a)(1)(A)(i)  
Reletter item (i) as clause (A)  
Delete “**required items in section 6.5(a)(1) through 6.5(a)(8) of this rule.**” after “**in the construction plans, of all**”  
Insert “**information required by this subsection.**” after “**in the construction plans, of all**”
29. Page 16      327 IAC 15-5-6.5(a)(1)(A)(ii)  
Delete item (ii)

30. Page 16 327 IAC 15-5-6.5(a)(1)(A)(iii)  
Reletter item (iii) as clause (B)
31. Page 16 327 IAC 15-5-6.5(a)(1)(A)(iv)  
Reletter item (iv) as clause (C)
32. Page 16 327 IAC 15-5-6.5(a)(1)(A)(v)  
Reletter item (v) as clause (D)
33. Page 16 327 IAC 15-5-6.5(a)(1)(A)(vi)  
Reletter item (vi) as clause (E)
34. Page 16 327 IAC 15-5-6.5(a)(1)(A)(vii)  
Reletter item (vii) as clause (F)
35. Page 16 327 IAC 15-5-6.5(a)(1)(A)(viii)  
Reletter item (viii) as clause (G)
36. Page 16 327 IAC 15-5-6.5(a)(1)(A)(ix)  
Reletter item (ix) as clause (H)
37. Page 16 327 IAC 15-5-6.5(a)(3)(C)  
Delete “**exist.**” after “**Please note if none**”  
Insert “**exists.**” after “**Please note if none**”
38. Page 16 327 IAC 15-5-6.5(a)(4)(B)  
Delete “**exist.**” after “**Please note if none**”  
Insert “**exists.**” after “**Please note if none**”
39. Page 17 327 IAC 15-5-6.5(a)(5)(C)  
Insert “, **stockpile,**” after “**any off-site borrow**”
40. Page 17 327 IAC 15-5-6.5(a)(6)(C)  
Delete “**exist.**” after “**Please note if none**”  
Insert “**exists.**” after “**Please note if none**”
41. Page 17 327 IAC 15-5-6.5(a)(7)(H)  
Delete comma “,” after “**construction activity**”  
Insert “**shall meet the**” after “**construction activity**”  
Delete “**procedures. Spill response procedures must be in accordance with**” after  
“**and spill response**”  
Insert “**requirements in**” after “**and spill response**”
42. Page 18 327 IAC 15-5-6.5(b)  
Delete “**less**” after “**development consisting of four (4) or**”  
Insert “**fewer**” after “**development consisting of four (4) or**”  
Delete “**and meet the design criteria, standards, and specifications established in the  
Indiana Storm Water Quality Manual\* or similar guidance documents approved for  
use by the department and Indiana department of natural resources.**” after  
“**requirements specified in section 7 of this rule**”
43. Page 18 327 IAC 15-5-6.5(b)(1)  
Delete the subdivision designation “(1)” before “**The construction plan must include  
the following:**”
44. Page 18 327 IAC 15-5-6.5(b)(1)(A)

- Renumber clause (A) as subdivision (1)
45. Page 18      327 IAC 15-5-6.5(b)(1)(A)(i)  
Reletter item (i) as clause (A)  
Delete “**section 6.5(b)(1) through 6.5(b)(8) of this rule.**” after “**of all required items in**”  
Insert “**this subsection.**” after “**of all required items in**”
46. Page 18      327 IAC 15-5-6.5(b)(1)(A)(ii)  
Delete item (ii)
47. Page 18      327 IAC 15-5-6.5(b)(1)(A)(iii)  
Reletter item (iii) as clause (B)
48. Page 18      327 IAC 15-5-6.5(b)(1)(A)(iv)  
Reletter item (iv) as clause (C)
49. Page 18      327 IAC 15-5-6.5(b)(1)(A)(v)  
Reletter item (v) as clause (D)
50. Page 18      327 IAC 15-5-6.5(b)(1)(A)(vi)  
Reletter item (vi) as clause (E)
51. Page 18      327 IAC 15-5-6.5(b)(1)(A)(vii)  
Reletter item (vi) as clause (F)  
Delete “**operator’s**” after “**associated with the project site**”  
Insert “**owner’s**” after “**associated with the project site**”
52. Page 19      327 IAC 15-5-6.5(b)(1)(B)  
Renumber clause (B) as subdivision (2)
53. Page 19      327 IAC 15-5-6.5(b)(1)(C)  
Renumber clause (C) as subdivision (3)
54. Page 19      327 IAC 15-5-6.5(b)(1)(C)(i)  
Reletter item (i) as clause (A)
55. Page 19      327 IAC 15-5-6.5(b)(1)(C)(ii)  
Reletter item (ii) as clause (B)
56. Page 19      327 IAC 15-5-6.5(b)(1)(C)(iii)  
Reletter item (iii) as clause (C)  
Delete “**exist.**” after “**Please note if none**”  
Insert “**exists.**” after “**Please note if none**”
57. Page 19      327 IAC 15-5-6.5(b)(1)(C)(iv)  
Reletter item (iv) as clause (D)
58. Page 19      327 IAC 15-5-6.5(b)(1)(C)(v)  
Reletter item (v) as clause (E)
59. Page 19      327 IAC 15-5-6.5(b)(1)(C)(vi)  
Reletter item (vi) as clause (F)
60. Page 19      327 IAC 15-5-6.5(b)(1)(C)(vii)  
Reletter item (vii) as clause (G)

61. Page 19 327 IAC 15-5-6.5(b)(1)(C)(viii)  
Reletter item (viii) as clause (H)
62. Page 19 327 IAC 15-5-6.5(b)(1)(D)  
Reletter clause (D) as subdivision (4)
63. Page 19 327 IAC 15-5-6.5(b)(1)(D)(i)  
Reletter item (i) as clause (A)
64. Page 19 327 IAC 15-5-6.5(b)(1)(D)(ii)  
Reletter item (ii) as clause (B)
65. Page 19 327 IAC 15-5-6.5(b)(1)(D)(iii)  
Reletter item (iii) as clause (C)
66. Page 19 327 IAC 15-5-6.5(b)(1)(D)(iv)  
Reletter item (iv) as clause (D)
67. Page 19 327 IAC 15-5-6.5(b)(1)(D)(v)  
Reletter item (v) as clause (E)
68. Page 19 327 IAC 15-5-6.5(b)(1)(D)(vi)  
Reletter item (vi) as clause (F)
69. Page 19 327 IAC 15-5-6.5(b)(1)(D)(vii)  
Reletter item (vii) as clause (G)
70. Page 19 327 IAC 15-5-6.5(b)(1)(D)(viii)  
Reletter item (viii) as clause (H)
71. Page 19 327 IAC 15-5-6.5(b)(1)(D)(ix)  
Reletter item (ix) as clause (I)
72. Page 19 327 IAC 15-5-6.5(b)(1)(D)(ix)(AA)  
Reletter subitem (AA) as item (i)
73. Page 20 327 IAC 15-5-6.5(b)(1)(D)(ix)(BB)  
Reletter subitem (BB) as item (ii)
74. Page 20 327 IAC 15-5-6.5(b)(1)(D)(x)  
Reletter item (x) as clause (J)
75. Page 20 327 IAC 15-5-6.5  
Delete the following from the end of the section as it appears following subsection (c):  
**“\*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739.”**
76. Page 20 327 IAC 15-5-7(a)  
Delete **“meet the design criteria, standards, and specifications as established in the “Indiana Storm Water Quality Manual\*” or similar guidance documents approved for use by the department and Indiana department of natural resources requirements under this section.”** after **“implemented in accordance with the construction plan and”**

	Insert <b>“sufficient to satisfy subsection (b).”</b> after <b>“implemented in accordance with the construction plan and”</b>
77. Page 22	327 IAC 15-5-7(b)(13) Delete <b>“with out”</b> after <b>“and released to adjacent property”</b> Insert <b>“without”</b> after <b>“and released to adjacent property”</b>
78. Page 22	327 IAC 15-5-7(b)(16) Delete <b>“may be”</b> after <b>“Alternative measures to site stabilization”</b> Insert <b>“are”</b> after <b>“Alternative measures to site stabilization”</b>
79. Page 23	327 IAC 15-5-7(b)(18)(B)(ii) Delete <b>“regulations.”</b> after <b>“all applicable statutes and”</b> Insert <b>“rules.”</b> after <b>“all applicable statutes and”</b>
80. Page 24	327 IAC 15-5-7 Delete the following from the end of the section as it appears following subsection (b): <b>“*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739.”</b>
81. Page 24	327 IAC 15-5-7.5(a) Delete <b>“shall”</b> after <b>“necessary to comply with this rule”</b> Insert <b>“must”</b> after <b>“necessary to comply with this rule”</b> Delete <b>“meet the design criteria, standards, and specifications as established in the “Indiana Storm Water Quality Manual*” or similar guidance documents approved for use by the department.”</b> after <b>“implemented in accordance with the plan and”</b> Insert <b>“sufficient to satisfy subsection (b).”</b> after <b>“implemented in accordance with the plan and”</b>
82. Page 25	327 IAC 15-5-7.5(b)(5) Delete <b>“regulations.”</b> after <b>“all applicable statutes and”</b> Insert <b>“rules.”</b> after <b>“all applicable statutes and”</b>
83. Page 25	327 IAC 15-5-7.5 Delete the following from the end of the section as it appears following subsection (b): <b>“*Copies of the Indiana Storm Water Quality Manual referenced in this section may be obtained from the Division of Soil Conservation, Indiana Department of Natural Resources, 402 West Washington Street, Room W265, Indianapolis, Indiana 46204-2739.”</b>
84. Page 26	327 IAC 15-5-8(d) Insert <b>“ entity”</b> after <b>“or a regulated MS4”</b> Delete the comma <b>“,”</b> after <b>“the verified NOT letter by the department”</b>
85. Page 28	327 IAC 15-5-12(b) Delete <b>“this section.”</b> after <b>“need to be submitted in accordance with”</b> Insert <b>“subsection (c).”</b> after <b>“need to be submitted in accordance with”</b>
86. Page 28	327 IAC 15-6-2(a) Delete <b>“and”</b> after <b>“Except as provided in subsections (c)”</b> Insert <b>“(e), (f), (g), (h), (i), and (j),”</b> after <b>“(d)”</b>
87. Page 29	327 IAC 15-6-2(a)(4)(K)



- Delete **“your”** after **“adjacent portions of”**  
 Insert **“the”** after **“adjacent portions of”**
88. Page 30      327 IAC 15-6-2(a)(5)(B)  
 Insert **“Except for those facilities identified in subsection (e),”** after **“(B)”**
89. Page 30      327 IAC 15-6-2(a)(5)(C)  
 Insert **“\*\*\*”** after **“(42 U.S.C. 6921)”**
90. Page 30      327 IAC 15-6-2(a)(5)(D)  
 Insert **“Except for those facilities identified in subsection (f),”** before **“landfills, land application sites,”**  
 Delete **“This inclusion does not include those facilities that have undergone landfill closure approved by the department, or are regulated under an individual municipal solid waste landfill permit, that includes requirements for addressing the quality of storm water run-off, issued under 329 IAC 10.”** after **“facilities described under this subdivision.”**
91. Page 30      327 IAC 15-6-2(a)(5)(F)  
 Delete **“. Those facilities identified in this clause that are involved in the processing, handling, or storage of coal and associated byproducts are not subject to this rule and must apply for an individual NPDES storm water permit.”** after **“Steam electric power generating facilities”**  
 Insert **“except for those facilities identified in subsection (g).”** after **“Steam electric power generating facilities”**
92. Page 30      327 IAC 15-6-2(a)(5)(G)  
 Delete **“classified under the following SIC codes”** after **“transportation facilities”**  
 Insert **“or aircraft”** after **“that have vehicle”**  
 Insert **“or aircraft”** after **“maintenance (including vehicle”**  
 Insert **“, airport runway or aircraft deicing operations,”** after **“fueling, and lubrication)”**  
 Insert **“and are classified under the following SIC codes”** after **“industrial equipment cleaning areas”**  
 Delete **“Facilities involved in airport deicing operations and having storm water discharges entering a water of the state are not subject to this rule and must apply for an individual NPDES storm water permit. Transportation facilities identified by SIC code 5171 (petroleum bulk stations and terminals) are not subject to this rule and shall, if facility conditions meet the rule applicability requirements, obtain permit coverage under 327 IAC 15-9.”** as it appears following item (vi).
93. Page 31      327 IAC 15-6-2(a)(5)(H)  
 Insert **“Except for those facilities identified in subsections (i) and (j),”** before **“treatment works treating domestic”**  
 Delete **“Farmland, domestic gardens, or land used for sludge management where sludge is beneficially reused, and that is not physically located in the confines of the facility or areas that are in compliance with Section 405 of the Clean Water Act (33 U.S.C. 1345)\*\*\*\* are not subject to this rule under this clause.”** after **“pretreatment program under 40 CFR 403\*\*\*.”**
94. Page 31      327 IAC 15-6-2(a)(5)(I)  
 Insert **“Distribution”** after **“(I)”**  
 Delete **“, that”** after **“facilities”**  
 Insert **“limited to the portions of the facility that are involved in the material handling of agricultural chemicals (chemical fertilizers and pesticides) or are**

**otherwise identified under this clause shall comply with the requirements of this rule if the following conditions are met:**” after “**facilities**”

Insert item (i) to read as follows: “**(i) Have been notified by the department of a determination that the facility is subject to this rule because review of available information shows that:**

**(AA) the facility had a discharge of a pollutant; or**

**(BB) there is a likelihood of a discharge of a pollutant to waters of the state.**

**A facility that has been notified by the department according to this item that the facility is subject to this rule may exercise its right granted under IC 4-21.5.”**

Insert “**(ii)**” before “**Are involved in the processing,**”

95. Page 31 327 IAC 15-6-2(a)(5)(I)(i)  
Reletter item (i) as subitem (AA)  
Delete the colon “:” after “**quantities in excess of**”
96. Page 31 327 IAC 15-6-2(a)(5)(I)(i)(AA)  
Delete “**(AA)**” [The language of subitem (AA) becomes part of item (i)]  
Insert “**either**” before “**two thousand five hundred**”  
Delete the semicolon “;” after “**one (1) vessel**”
97. Page 31 327 IAC 15-6-2(a)(5)(I)(i)(BB)  
Delete “**(BB)**” [The language of subitem (BB) becomes part of item (i)]  
Insert “**(3 x 2,500 gallon vessels)**” after “**total for multiple vessels**”  
Delete “**(3 x 2,500 gallon vessels)**” after “**at a facility**”
98. Page 31 327 IAC 15-6-2(a)(5)(I)(ii)  
Reletter item (ii) as subitem (BB)
99. Page 31 327 IAC 15-6-2(a)(5)(I)(iii)  
Reletter item (iii) as subitem (CC)
100. Page 31 327 IAC 15-6-2(a)(5)(I)(iv)  
Reletter item (iv) as subitem (DD)  
Insert “**in**” after “**in undivided quantities**”  
Insert “**and**” after “**one hundred (100) pounds**”  
Delete “**Only those portions of the facility that are involved in the material handling of agricultural chemicals (chemical fertilizers and pesticides) or which are otherwise identified under this clause are required to comply with this rule.**” as it appears following item (iv)  
Insert item (ii), containing subitems (AA) and (BB), after renamed subitem (DD), to read as follows:  
“**(ii) Have been notified by the department of a determination that the facility is subject to this rule because review of available information shows that:**  
**(AA) the facility had a discharge of a pollutant; or**  
**(BB) there is a likelihood of a discharge of a pollutant to waters of the state.**”
101. Page 32 327 IAC 15-6-2(e)  
Insert subsection (e) to read as follows:  
“**(e) A sand, gravel, or dimension stone facility classified under SIC code 14 is not subject to this rule if:**  
**(1) it is regulated under a general permit issued under 327 IAC 15-12; and**  
**(2) all the regulated facility’s storm water discharges are addressed by the general permit issued under 327 IAC 15-12.**”
102. Page 32 327 IAC 15-6-2(f)

Insert subsection (f) to read as follows:

**“(f) A landfill is not subject to this rule if it has satisfied one (1) or more of the following conditions:**

- (1) Has completed landfill closure approved by the department.**
- (2) Is regulated under an individual municipal solid waste landfill permit that:**

**(A) is issued according to 329 IAC 10; and**

**(B) includes requirements for addressing the quality of storm water run-off.”**

103. Page 32

327 IAC 15-6-2(g)

Insert subsection (g) to read as follows: **“(g) Steam electric power generating facilities that are involved in the processing, handling, or storage of coal and associated byproducts are not subject to this rule and must apply for an individual NPDES storm water permit.”**

104. Page 32

327 IAC 15-6-2(h)

Insert subsection (h) to read as follows: **“(h) Transportation facilities identified by SIC code 5171 (petroleum bulk stations and terminals) are not subject to this rule and shall, if facility conditions meet the rule applicability requirements, obtain permit coverage under 327 IAC 15-9.”**

105. Page 32

327 IAC 15-6-2(i)

Insert subsection (i) to read as follows:

**“(i) Municipal treatment works are not subject to this rule if the treatment works meet the following conditions:**

- (1) Treat domestic sewage or any other sewage sludge or wastewater.**
- (2) Have a design flow equal to or greater than one million (1,000,000) gallons per day.**
- (3) Are considered part of a municipality regulated under 327 IAC 15-13.**
- (4) Are adequately covered under the requirements of 327 IAC 15-13-17.”**

106. Page 32

327 IAC 15-6-2(j)

Insert subsection (j) to read as follows:

**“(j) Farmland, domestic gardens, or land used for sludge management is not subject to this rule if the following conditions are met:**

- (1) Sludge is beneficially reused.**
- (2) The land is not physically located within:**
  - (A) the confines of a municipal treatment works facility; or**
  - (B) areas that are in compliance with Section 405 of the Clean Water Act (33 U.S.C. 1345)\*\*\*\*.”**

107. Page 32

327 IAC 15-6-2\*\*

Delete “D” after “Subtitle”

Insert “C” after “Subtitle”

Delete “6941” after “(42 U.S.C.”

Insert “6921” after “(42 U.S.C.”

108. Page 33

327 IAC 15-6-4(1)

Delete the term “Airport deicing operations” and its definition

109. Page 33

327 IAC 15-6-4(2)

Renumber subdivision (2) as subdivision (1)

110. Page 33

327 IAC 15-6-4(3)

Renumber subdivision (3) as subdivision (2)

111. Page 33	327 IAC 15-6-4(4) Re-number subdivision (4) as subdivision (3)
112. Page 33	327 IAC 15-6-4(4) Insert a new definition at subdivision (4) to read as follows: <b>“(4) Deicing operations” means the use of urea, glycol, or other deicing substances to remove ice from aircraft or runways.”</b>
113. Page 33	327 IAC 15-6-4(6) Re-number subdivision (6) as subdivision (7)
114. Page 33	327 IAC 15-6-4(6) Insert a new definition at subdivision (6) to read as follows: <b>“(6) “Discharge of a pollutant” has the meaning set forth in 327 IAC 5-1.5-11.”</b>
115. Page 33	327 IAC 15-6-4(7) Re-number subdivision (7) as subdivision (8)
116. Page 33	327 IAC 15-6-4(8) Re-number subdivision (8) as subdivision (9)
117. Page 34	327 IAC 15-6-4(9) Re-number subdivision (9) as subdivision (10)
118. Page 34	327 IAC 15-6-4(10) Re-number subdivision (10) as subdivision (11)
119. Page 34	327 IAC 15-6-4(11) Re-number subdivision (11) as subdivision (12)
120. Page 34	327 IAC 15-6-4(12) Re-number subdivision (12) as subdivision (13)
121. Page 34	327 IAC 15-6-4(13) Re-number subdivision (13) as subdivision (14)
122. Page 34	327 IAC 15-6-4(14) Re-number subdivision (14) as subdivision (15)
123. Page 34	327 IAC 15-6-4(15) Re-number subdivision (15) as subdivision (16)
124. Page 34	327 IAC 15-6-4(16) Re-number subdivision (16) as subdivision (17)
125. Page 34	327 IAC 15-6-4(17) Re-number subdivision (17) as subdivision (18)
126. Page 34	327 IAC 15-6-4(18) Re-number subdivision (18) as subdivision (19)
127. Page 34	327 IAC 15-6-4(19) Re-number subdivision (19) as subdivision (20)
128. Page 34	327 IAC 15-6-4(20) Re-number subdivision (20) as subdivision (21)

129. Page 34	327 IAC 15-6-4(21) Renumber subdivision (21) as subdivision (22)
130. Page 34	327 IAC 15-6-4(22) Renumber subdivision (22) as subdivision (23)
131. Page 35	327 IAC 15-6-4(23) Renumber subdivision (23) as subdivision (24)
132. Page 35	327 IAC 15-6-4(24) Renumber subdivision (24) as subdivision (25)
133. Page 35	327 IAC 15-6-4(25) Renumber subdivision (25) as subdivision (26)
134. Page 35	327 IAC 15-6-4(26) Renumber subdivision (26) as subdivision (27)
135. Page 35	327 IAC 15-6-4(27) Renumber subdivision (27) as subdivision (28)
136. Page 35	327 IAC 15-6-4(28) Renumber subdivision (28) as subdivision (29)
137. Page 35	327 IAC 15-6-4(29) Renumber subdivision (29) as subdivision (30) <b>Delete “The term does not include activities conducted on facility property separate from the facility’s industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the included areas.”</b>
138. Page 38	327 IAC 15-6-4(30) Renumber subdivision (30) as subdivision (31)
139. Page 38	327 IAC 15-6-4(31) Renumber subdivision (31) as subdivision (32)
140. Page 39	327 IAC 15-6-5(5) Delete “(2)” after “ <b>identified in subdivision</b> ” Insert “(4)” after “ <b>identified in subdivision</b> ”
141. Page 43	327 IAC 15-6-7(b)(5) Delete “ <b>section 5(6)(J) through 5(6)(S) of this rule,</b> ” after “ <b>any existing or historical areas listed in</b> ” Insert “ <b>subdivision (3)(J) through (3)(S),</b> ” after “ <b>any existing or historical areas listed in</b> ”
142. Page 44	327 IAC 15-6-7(b)(6) Delete “ <b>section 5(6)(J) through 5(6)(S)</b> ” after “ <b>existing or historical areas listed in</b> ” Insert “ <b>subdivision (3)(J) through (3)(S)</b> ” after “ <b>existing or historical areas listed in</b> ”
143. Page 45	327 IAC 15-6-7(b)(7)(C) Delete “ <b>subdivision (6)(B).</b> ” after “ <b>in accordance with the plan required under</b> ” Insert “ <b>clause (B).</b> ” after “ <b>in accordance with the plan required under</b> ”
144. Page 45	327 IAC 15-6-7(b)(9)

Delete “5(2)” after “**monitoring data at each discharge outfall identified in section**”  
 Insert “5(4)” after “**monitoring data at each discharge outfall identified in section**”  
 Delete “the” before “**rule, or representative discharge outfall identified in section**”  
 Delete “5(5)”  
 Insert “this” before “**rule, or representative discharge outfall identified in section**”  
 Delete “5(5)”

145. Page 50

327 IAC 15-6-7.3(a)(1)  
 Delete “5(2)” after “**Each discharge outfall identified in section**”  
 Insert “5(4)” after “**Each discharge outfall identified in section**”  
 Delete from the table “Kjeldahl” after “TKN (Total)”  
 Insert into the table “Kjeldahl” after “TKN (Total)”

146. Page 53

327 IAC 15-6-9  
 This section was not part of the proposed rule LSA Document #01-95 as published at 26 IR 1604 but has been inserted prior to consideration of final adoption and is amended to read as follows: “Sec. 9. (a) The commissioner ~~and/or~~ **or** designated representative may inspect any facility regulated under this rule at any time. The storm water pollution prevention plan **as required by section 7 of this rule** and monitoring records **as required by section 7.3 of this rule** must be available on-site for review by the commissioner. **The department or its designated representatives may make recommendations to the facility owner or its representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance.**

(b) **The department shall investigate potential violations of this rule to determine which person may be responsible for the violation. The department shall, if appropriate, consider public records of ownership and other relevant information, which may include site inspections, storm water pollution prevention plans, notices of intent, contracts, and other information, related to the specific facts and circumstances of the potential violation.**

~~(b)~~ (c) **Any person violating causing or contributing to a violation of any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4, IC 13-14-10, IC 13-15-7, and IC 13-30.**”

147. Page 57

327 IAC 15-6-12(f)(3)(K)  
 Delete “form” after “**visible deposits of residuals**”  
 Insert “from” after “**visible deposits of residuals**”

148. Page 57

327 IAC 15-6-12(f)(4)  
 Delete “(d)(4).” after “(except as allowed under subsection”  
 Insert “(e)(4).” after “(except as allowed under subsection”

149. Page 58

327 IAC 15-6-12(h)(4)  
 Delete “section” after “**an NOI letter in accordance with**”  
 Insert “sections” after “**an NOI letter in accordance with**”  
 Insert “and 6” after “5”